



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

September 2, 2003

Ref: 8MO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Jan Sensibaugh, Director
Montana Department of Environmental Quality
Metcalf Building
1520 West Sixth Avenue
Helena, MT 50620

NOTICE OF VIOLATION

Docket No.

Re: Fort Custer Bar and Cafe public water supply
PWS ID# MT0001747

Dear Jan:

The above referenced public water supply has violated the provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. section 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141 described below.

The Environmental Protection Agency (EPA) obtained this information from your November 27, 2002 letter to EPA; from Montana Department of Environmental Quality (MDEQ) files; and from data contained in the Safe Drinking Water Information System (SDWIS). Please notify Eric Finke of my staff at (406) 457-5026 within 20 days if your records show any discrepancies with these determinations of violation.

Alleged Violations at
Fort Custer Bar and Cafe public water supply, PWS ID# MT0001747

Compliance Period	Alleged Violation	
	Description	Regulatory Citation
1/1/2000 - 12/30/2000	Failure to monitor and report nitrate.	40 C.F.R. § 141.23(d)



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Compliance Period	Alleged Violation Description	Regulatory Citation
1/1/2000 - 12/30/2000	Failure to provide notice of a violation.	40 C.F.R. § 141.201
1/1/2000 - 12/30/2001	Failure to report a violation to the State within 48 hours.	40 C.F.R. § 141.31(b)
1/1/2001 - 12/30/2001	Failure to monitor and report nitrate.	40 C.F.R. § 141.23(d)
1/1/2001 - 12/30/2001	Failure to provide public notice of a violation.	40 C.F.R. § 141.201
1/1/2001 - 12/30/2001	Failure to report a violation to the State within 48 hours.	40 C.F.R. § 141.31(b)
1/1/2002 - 12/30/2002	Failure to monitor and report nitrate.	40 C.F.R. § 141.23(d)
1/1/2002 - 12/30/2002	Failure to prepare public notice of violation	40 C.F.R. § 141.201
1/1/2002 - 12/30/2002	Failure to report a violation to the State within 48 hours.	40 C.F.R. § 141.31(b)

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. section 300g-3(a). For the violations listed above, if MDEQ does not commence appropriate enforcement action within 30 days from the receipt of this notification, the Environmental Protection Agency (EPA) is authorized to either issue an Administrative Order under section 1414(g) of the SDWA requiring the public water system to comply with these regulations, or commence civil action under section 1414(b) of the SDWA.

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will contact MDEQ to make arrangements to review and copy documents in the system's file, including any records contained in the state archives. If you have any questions, please contact Mr. Finke at (406) 457-5026. A copy of this NOTICE OF VIOLATION has been concurrently sent to the public water system identified above.

Sincerely,

SIGNED

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

SIGNED

John F. Wardell, Director
EPA Montana Office

cc: Steve Welch, MDEQ Permitting and Compliance Division
John Arrigo, MDEQ Enforcement Division
Fort Custer Bar and Café, PWS ID # MT0001747

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
SEPTEMBER 2, 2003.**